



JUDICIAL COUNCIL OF CALIFORNIA

POLICY COORDINATION
AND LIAISON COMMITTEE

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POLICY COORDINATION AND LIAISON COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

October 27, 2016

10:30 a.m. - 12:00 p.m.

Superior Court of California, County of San Diego

Hall of Justice, Room 363

330 West Broadway, 3rd Floor

San Diego, CA 92101

Advisory Body Hon. Kenneth K. So, Chair; Hon. Brian J. Back; Hon. Samuel K. Feng;
Members Present: Hon. Scott M. Gordon; Hon. Harry E. Hull, Jr.; Hon. Dean T. Stout; Ms. Kimberly Flener; Mr. Patrick M. Kelly; and, Ms. Donna Melby.

Advisory Body Hon. Gary Nadler, Vice-Chair
Members Absent:

Others Present: **Judicial Council Members:** Hon. Douglas P. Miller and Hon. C. Todd Bottke;
Judicial Council Staff: Ms. Jody Patel; Ms. Kimberly DaSilva, Ms. Diana Glick, Ms. Eve Hershcopf, Ms. Tara Lundstrom, Mr. Douglas C. Miller, Mr. Patrick O'Donnell, Ms. Adrienne Toomey, and Ms. Josely Yangco-Frona; **Committee Staff:** Mr. Cory Jasperson, Ms. Laura Speed, Mr. Daniel Pone, Ms. Sharon Reilly, Ms. Andi Liebenbaum, Mr. Alan Herzfeld, Ms. Monica LeBlond, and Ms. Yvette Casillas-Sarcos.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:33 a.m., and committee staff took roll call. No written comments were received.

CONSENT ACTION ITEM

Item 1

- a) **Judicial Council Legislative Policy Summary: 2016 (Action Required)**
Sets forth concise council policy guidelines regarding court-related legislative proposals.
Action: Approved for submission to the Judicial Council.
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DISCUSSION AND ACTION ITEMS

Item 1

PROPOSALS FOR JUDICIAL COUNCIL-SPONSORED LEGISLATION

- a) **Applying the Electronic Filing and Service Provisions of Civil Procedure section 1010.6(a) and (b) to Criminal Actions (Action Required)**
Provides express authority for permissive electronic filing and service in criminal proceedings by adding a statute to the Penal Code applying the electronic filing and service provisions of the Code of Civil Procedure section 1010.6 to criminal actions.
Action: Recommend Judicial Council sponsorship.
- b) **Authorize Electronic Delivery of Notices of Hearing in Proceedings under the Probate Code**
Authorizes the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses.
Action: Recommend Judicial Council sponsorship.
- c) **Court Records Destruction Reporting**
Eliminates the requirement that superior courts must report destroyed court records to the Judicial Council.
Action: Recommend Judicial Council sponsorship.
- d) **Criminal Procedure: Multiple County Sentencing**
Promotes uniformity and clarifies judicial sentencing authority when imposing concurrent or consecutive judgements under Penal Code section 1170(h) implicating multiple counties.
Action: Recommend Judicial Council sponsorship be deferred.

e) **Criminal Procedure: Transfer Back To Receiving Court for Limited Purpose after Intercounty Transfer**

Authorizes a receiving court to transfer a case of a person on probation or mandatory supervision back to the transferring court for a limited purpose when needed to best suit the needs of the court, the litigation at issue, or the parties.

Action: Recommend Judicial Council sponsorship.

f) **Electronic Filing, Service, and Signatures**

Authorizes electronic signatures, promotes consistency in the requirements for electronic filing and service, codifies various provisions in the trial court rules, and clarifies the application of Code of Civil Procedure section 1010.6 electronic service provisions in other statutes.

Action: Recommend Judicial Council sponsorship.

g) **Electronic Filing and Service in Juvenile Proceedings**

Authorizes electronic filing and electronic service in juvenile law proceedings and establishes parameters for e-business in the juvenile court.

Action: Recommend Judicial Council sponsorship.

h) **Pre-Arrestment Own Recognizance Release Under Court-Operated or Approved Pretrial Programs**

Provides courts with discretion to approve own recognizance release for arrestees with three prior failures to appear, without holding a hearing in open court, under a court-operated or court-approved pretrial program.

Action: Recommend Judicial Council sponsorship.

i) **Retention of Court Records in Gun Violence Cases**

Specifies the retention period for court records in gun violence cases. Amends Government Code section 68150(a) to remove references to the future adoption of rules of court, pursuant subdivision (c).

Action: Recommend Judicial Council sponsorship.

j) **Subordinate Judicial Officers: Court Commissioners as Magistrates**

Includes “court commissioners” a type of subordinate judicial officer within the definition of those who may serve as a “magistrate.”

Action: Recommend Judicial Council sponsorship.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 11:04 a.m.

C L O S E D S E S S I O N

Call to Order and Roll Call

The chair called the meeting to order at 11:04 a.m.

Item 1

Approval of Minutes

The advisory body reviewed and approved the minutes of the August 24, 2016, Policy Coordination and Liaison Committee meeting.

Item 2

Pursuant to California Rules of Court 10.75(c)(1)

New Member Orientation.

Action: Informational only. No action required.

Adjourned closed session at 11:28 a.m.

Approved by the advisory body on November 17, 2016.

